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7 *Counsel for Plaintiff Piotr Jaszczyszyn*

8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 PIOTR JASZCZYSZYN, Individually and on
12 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 SUNPOWER CORPORATION, PETER
16 FARICY, and MANAVENDRA S. SIAL,

17 Defendants.

Case No. 4:22-cv-00956-HSG

**STIPULATION AND ORDER
ACCEPTING SERVICE, SETTING
SCHEDULE FOR FURTHER
PROCEEDINGS, AND VACATING
INITIAL CASE MANAGEMENT
CONFERENCE AND RELATED
DEADLINES**

1 WHEREAS, on February 16, 2022, Plaintiff Piotr Jaszczyszyn (“Plaintiff”) commenced
2 the above-captioned action against Defendants SunPower Corporation, Peter Faricy, and
3 Manavendra S. Sial (collectively, “Defendants”), alleging violations of Sections 10(b) and 20(a) of
4 the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act
5 of 1995 (the “PSLRA”) (ECF No. 1);

6 WHEREAS, on February 18, 2022, the Court issued an Order scheduling an Initial Case
7 Management Conference for May 17, 2022 at 2:00 p.m. and setting associated deadlines pursuant
8 to the Federal Rules of Civil Procedure, the Civil Local Rules, and the Alternative Dispute
9 Resolution Local Rules (*see* ECF No. 10);

10 WHEREAS, the PSLRA provides a procedure for the appointment of lead plaintiff and
11 lead counsel, 15 U.S.C. § 78u-4(a)(3), and motions for appointment as lead plaintiff and approval
12 of lead counsel must be filed no later than April 18, 2022 (*see* ECF No. 8);

13 WHEREAS, the Parties anticipate that the Court-appointed lead plaintiff will file an
14 amended complaint and that Defendants will file motion(s) to dismiss;

15 WHEREAS, an amended complaint would render any response to the currently pending
16 complaint moot; and

17 WHEREAS, the PSLRA provides that discovery shall be stayed during the pendency of
18 any motion to dismiss, 15 U.S.C. § 78u-4(b)(3)(B);

19 WHEREAS, the undersigned parties respectfully submit that, because the pleadings are not
20 yet set and in light of the PSLRA’s discovery stay, good cause exists to find that Defendants
21 should not be required to respond to a complaint in this case until after lead plaintiff and lead
22 counsel have been appointed and have filed an amended complaint and to vacate the Initial Case
23 Management Conference and related deadlines to be reset after the Court has an opportunity to
24 rule on Defendants’ anticipated motion to dismiss;

25 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned,
26 subject to Court approval, as follows:

1 1. The undersigned counsel for Defendants hereby accepts service of the summons
2 and complaint in this action without waiving any rights or defenses, except as to sufficiency of
3 service.

4 2. The Parties agree that Defendants need not respond to the current complaint.

5 3. Within fourteen (14) days of entry of the Order appointing lead plaintiff and lead
6 counsel, the Court-appointed lead plaintiff and Defendants shall confer and submit a proposed
7 schedule for the filing of an amended complaint and Defendants' response(s) thereto.

8 4. The Initial Case Management Conference set for May 17, 2022 at 2:00 p.m., and all
9 associated deadlines, are vacated and shall be reset after the Court has an opportunity to rule on
10 Defendants' anticipated motion to dismiss.

11 DATED: February 23, 2022

GLANCY PRONGAY & MURRAY LLP

By: /s/ Pavithra Rajesh

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Counsel for Plaintiff Piotr Jaszczyszyn

19 DATED: February 23, 2022

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*Counsel for Defendants SunPower Corporation, Peter
Faricy, and Manavendra S. Sial*

Pursuant to Civil L.R. 5-1(i)(3), all signatories concur in filing this stipulation.

Dated: February 23, 2022

/s/ Pavithra Rajesh
Pavithra Rajesh

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/24/2022

Haywood S. Gilliam, Jr.
HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE